

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0096

Date registered valid: 24 February 2022

Proposal: Discharge of conditions 3 (Secured by Design), 15B (Contaminated land), 20 (Sustainable drainage), 21 (Energy statement) and 22 (Acoustic report verification) relating to planning permission ref: 130931/JO/2021

Address: Land Bounded By Abbey Hey Lane And Battersby Street , Manchester

Ward(s): Clayton & Openshaw Ward

Applicant: Mr Jon Benson Mosscafe St Vincents Housing Group 7th Floor
Trafford House, Manchester, M32 0RS

Agent (if any): Mr Michael Stewart Michael Stewart Architecture 75 Parsonage Road,
Stockport, SK4 4JL

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 18 May 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: N/A

Standard consultations:

Printed: 28 February 2022 Expired: 21 March 2022

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Consultations & Notification Responses

Highway Services – No comments

Environmental Health – Following the submission of additional details, it is recommended that conditions 15 B and 22 be discharged.

Flood Risk Management Team - Have no further comments and recommend Condition 20 be discharged.

Greater Manchester Police – No objection to the discharge of condition 3.

United Utilities Water PLC – They recommend that the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have

made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

N/A

Condition(s) to be attached to decision for approval

3. The discharge of condition 3 (Secured by Design) is approved on the basis that development has been accredited with a Secured by Design Silver Award for the development of Battersby Street, Openshaw Reference: 2019/0919/SBD/01.

15B. The discharge of condition 15B (Contaminated land) is approved on the basis that development has been undertaken in accordance with document referenced: Proposed residential development at land at Battersby Street and Abbey Hey Lane, Openshaw, Remediation and Validation report for Plots 1 to 15.

20. The discharge of condition 20 (Sustainable drainage) is approved on the basis that development has been undertaken in accordance with documents referenced:

- i. Proposed Residential Development at Abbey Hey Lane, Battersby Street, Openshaw - Drainage Strategy Ref: 1281/SJG by Build Vision dated 21 July 2020 and received 22 July 2020;
- ii. Battersby & Abbey Hey SUDS Management & Maintenance Plan by Wiggett Construction received on 22 July 2020;
- iii. Residential development at Battersby Street and Abbey Hey Lane, Openshaw, Sustainable Drainage Scheme Verification Report Ref: Job No 1281 dated February 2022 by Build Vision Consulting Engineers.

The implemented agreed measures shall be maintained in situ at all times.

21. The discharge of condition 21 (Energy statement) is approved on the basis that development has been undertaken in accordance with documents referenced:

- i. Energy Statement for 15 new build dwellings at Abbey Hey Lane / Battersby Street Openshaw Manchester M11 1 JW by Lancaster Maloney Date November 2020 Ref: 2011/20 Rev. A;
- ii. Completion report for 15 new-build dwellings at Abbey Hey Lane / Battersby Street Openshaw Manchester M11 1JW Date: December 2021 Ref: 2011/00 by Lancaster Maloney Limited.

The implemented agreed measures shall be maintained in situ at all times.

22. The discharge of condition 22 (Acoustic report verification) is approved on the basis that development has been undertaken in accordance with document referenced:

- i. 14-15, Abbey Hey Lane, Openshaw, Manchester Sound Insulation Tests Report
PDA Acoustics Consultants letter dated 3rd September 2021 Ref: TD/J003527/5128/01
- ii. PDA Acoustics Consultants letter dated 6 September 2021 Ref: Abbey Hey Lane /
Battersby Street, M11 1LY, New Residential Development, Glazing &Trickle Vent Site
Inspection Report Ref: J003537/5129/TD

The implemented agreed measures shall be maintained in situ at all times.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
United Utilities Water PLC

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH2